

HD



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,426	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24.732	5220

25883 7590 04/05/2007  
 HOWISON & ARNOTT, L.L.P  
 P.O. BOX 741715  
 DALLAS, TX 75374-1715

EXAMINER
----------

FADOK, MARK A

ART UNIT	PAPER NUMBER
----------	--------------

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/382,426

Applicant(s)

PHILYAW ET AL.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The Examiner is in receipt of applicant's response to office action mailed 7/18/2006, which was received 1/18/2007. Acknowledgement is made to the amendment to claims 1, 11, 14, 24 and 27, leaving claims 1-27 as pending in the instant application. The applicant's amendments and remarks have been carefully considered but were not found to be persuasive, therefore the previous office action modified as necessitated by amendment follows:

### **Examiner's Note**

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3625

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-11,14-17,19-24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortenberry (US 6,005,939) in view of Hartman (US 5960411).**

**In regards to claim 1-11,14-17,19-24 and 27** the combination of Fortenberry and Hartman teach a method of processing profile information of a user for conducting an on-line transaction between the user and a vendor (abstract), comprising the steps of:

entering profile information of a user into a profile form at a user location disposed on a network prior to conduction of an on-line transaction between the user and the vendor (col 7, lines 39-45),

the vendor disposed at a vendor location on the network (2a, item 210);

issuing to the user a unique code representing stored profile information of the user in response to the user transmitting the profile form from the user location to a second location on the network for storage thereat (col 7, lines 45-65),

the second location disposed on the network (FIG 2a, item 216);

initiating an on-line transaction by selecting a product of the vendor at a user location (col 8, lines 29-31);

after selecting the product, providing to the vendor location by the user the unique code for purchase of the product during the on-line transaction (col 8, lines 31-33),

providing the stored profile information from the second location to the vendor location in response to the vendor location receiving and processing the unique code (col 8); and

Fortenberry teaches passing information from a third party to a vendor to process a transaction after receiving a unique identifier authorizing the release of sensitive information to a vendor (col 8, lines 29-31), but does not specifically mention inserting released information into a form automatically before submittal to a user. Hartman teaches automatically filling a confirmation webpage at a server which includes user sensitive information for processing the order (FIG 6 and 1C). It would have been obvious to a person having ordinary skill in the art at the time of the invention to generate the web page at the vendor and sending it to the user, because this will be more efficient by eliminating a step and the need for additional software for filling in the web page on the user computer after sending information to the user and sending the web page to the user separately. Further, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Fortenberry the confirmation page of Hartman, because this was a notoriously well known means for presenting a final order summary that assures the user that the vendor has the order correct.

In regards claim 8, the combination of Fortenberry and Hartman teach wherein the step of automatically inserting causes only a portion of the profile information to be entered into the vendor payment form as encoded information (Hartman, FIG 1C).

**Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortenberry in view of Hartman and further in view of Rhoads (US 6,311,214).**

**In regards to claims 12 and 25**, the combination of Fortenberry and Hartman teach a second location, but does not specifically mention that the second location is a credit card company server. The examiner takes official notice that it was old and well known in the art at the time of the invention to utilize credit card servers as a server for storage and dissemination of credit card information. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in the combination of Fortenberry and Hartman the use of a credit card company to store and disseminated the information, because this is a notoriously well known place to store this type of information and preventing these companies from participating in the invention of Fortenberry would reduce the potential sales market and reduce revenues.

**Claims 13,18, 26,28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortenberry in view of Hartman and further in view of Rhoads (US 6,311,214).**

Art Unit: 3625

In regards to claims 13, 18,26,28 and 29, the combination of Fortenberry and Hartman teach providing a unique code to the user for accessing a second server from a vendor, but does not specifically mention that the unique code is a barcode on a credit card. Rhoads teaches that the unique code is placed on a credit card (Rhoads, col 1, lines 35-40).

It would have been obvious to a person of ordinary skill in the art to include in Fortenberry and Hartman the improvements as cited in Rhoads, because utilizing existing infrastructure, along with the convenience of having the access code readily available will provide for increased usage of the system and therefore increased revenue.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:



**571-273-8300**

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Fadok

Primary Examiner